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January 28, 2009

Members of the Board of Zoning Appeals
Metro Office Building
800 2nd Avenue, South
Nashville, TN 37210

RE: Case No. 2009-009
24 Lincoln Street
Parcel ID: 10504000900

Dear Members:

The subject case involves an existing building which contained at some point in time a 10-unit residential apartment on this property. The applicant, who owns this property, purchased it in November of 1996. He came to our office in January 2009 in an effort to obtain a permit to repair the structure, at which time he told Zoning Examiner Mike Kyle that the structure had been vacant over ten years.

The subject property is zoned "R6" which only allows a one- or two-family dwelling. The property was non-conforming. However, Section 17.40.650 (B) of the Zoning Code states that inactivity of a non-conforming use for more than two years shall make the property usable for a conforming land use.

Furthermore, the section states that an intent to resume the activity shall not qualify for a continuation of the non-conforming use. In my opinion, a zone change would be an acceptable route to take.

Very Truly Yours,

Lon F. West
Zoning Administrator

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